

*Nicoletti Hornig & Sweeney*

WALL STREET PLAZA  
88 PINE STREET  
SEVENTH FLOOR  
NEW YORK, NY 10005-1801  
TELEPHONE 212-220-3830  
TELECOPIER 212-220-3780  
E-MAIL: [general@nicolettihornig.com](mailto:general@nicolettihornig.com)  
WEBSITE: [www.nicolettihornig.com](http://www.nicolettihornig.com)

MICHAEL MARKS COHEN  
OF COUNSEL

NEW JERSEY OFFICE:  
505 MAIN STREET, SUITE 106  
HACKENSACK, NEW JERSEY 07601-5928  
TELEPHONE 201-343-0970  
TELECOPIER 201-343-5882

JOHN A.V. NICOLETTI  
JAMES F. SWEENEY  
DAVID R. HORNIG \*  
FRANK M. MARCIGLIANO  
MICHAEL J. CARCICH  
BARBARA A. SHEEHAN  
NOOSHIN NAMAZI †  
ROBERT A. NOVAK  
TERRY L. STOLTZ  
MICHAEL F. MCGOWAN  
VINCENT A. SUBA  
SAMUEL C. COLUZZI †  
GUERRIC S.D.L. RUSSELL †  
LINDA D. LIN ◊

VAL WAMSER †  
KEVIN J.B. O'MALLEY  
WILLIAM M. FENNELL  
SCOTT D. CLAUSEN †  
FARA N. KITTON †  
JAMES E. MORRIS Δ†  
NORA A. VALENZA-FROST †  
JEFFREY BINKLEY

September 22, 2011

\* ALSO ADMITTED IN TEXAS  
† ALSO ADMITTED IN NEW JERSEY  
◊ ALSO ADMITTED IN CALIFORNIA  
Δ ALSO ADMITTED IN MARYLAND

**VIA E-FILEING**

Honorable Carol B. Amon  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Camden Plaza East  
Brooklyn, New York 11201

RE: *In the Matter of the Petition of North East Marine, Inc.,  
As Owner of the Tug ELENA, a 35' Deck Barge and a 40'  
Deck Barge, For Exoneration from and Limitation of Liability*  
United States District Court – Eastern District of New York  
Case No.: 09 Civ. 5600 (Amon, J.)(Mann, M.J.)  
Our File No.: 10000530 DRH/GSR

Dear Judge Amon:

This firm represents the Petitioner North East Marine, Inc. in the above-captioned case. At a conference before this Court, counsel were directed to file motions by September 23, 2011 with regard to further proceedings in this case. The Underwriters for the Petitioner North East Marine, Inc., namely The Northern Assurance Company of America, has advised all parties in writing that it would cover the cost of a bond for the Tug OSAGE in the event the Court permits North East Marine to amend the limitation petition/complaint to include the Tug OSAGE. As a result of the Northern Assurance Company of America's agreement, this will possibly affect the position that various parties will take with respect to motions. Since counsel has just been advised of this fact and need to evaluate their response, all parties jointly request that the Court modify and extend the date for filing motions for at a minimum of one week. Since the Jewish

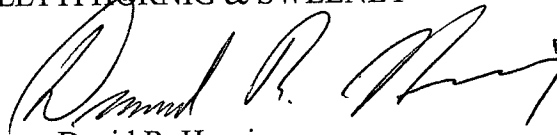
September 22, 2011  
Page 2

holidays are on September 29/30, 2011, the parties would jointly request that the return date for motions be extended to October 5, 2011.

Respectfully yours,

NICOLETTI HORNIG & SWEENEY

By:



David R. Hornig

DRH/rr

**CC VIA E-FILING**

John J. Hession, Esq.  
Dougherty, Ryan, Giuffra,  
Zambito & Hession

Paul T. Hofmann, Esq.  
Hofmann & Schweitzer

Terri S. Hall, Esq.  
Pillinger Miller Tarallo, LLP